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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,349	07/29/2003	Chien-Chung Yeh	MR1683-484	4504
4586	7590	10/17/2005		
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			EXAMINER NGUYEN, TAM M	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/628,349	Applicant(s) YEH, CHIEN-CHUNG	
	Examiner Tam Nguyen	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (2002/0183170) in view of Wu (2002/0183170), Wang et al. (6,019,706) and Watterson et al. (6,743,153).

1. As to claims 1 and 2, the applicant discloses prior art ("PA") that shows an external plastic structure of a treadmill comprising a base seat (6) and a running platform (7), the base seat having two columns (61) respectively upward extending from two sides of the base seat, a panel plastic member (62) being disposed between two columns, a front section of the running platform being mounted between the two columns, a running belt (71) being circularly rotatably disposed in the running platform and a step board plastic member (72) being disposed on two sides of the running belt wherein the step board plastic member has a top board and a bottom board and the panel plastic member includes a cover board and a base board fixed to the cover board to define a space for accommodating a control unit (see Prior Art in Figs. 7-10). The PA does not disclose that the step board plastic members define a buffering space between the top and bottom boards for absorbing impact force, that the cover board and base board each include a top and bottom panel surface with a buffering space there

Art Unit: 3764

between and that the plastic members are made from blow-molding. Wu discloses a treadmill having step board plastic members (131) that include a top surface (A) and a bottom surface (B) with a buffering space there between for absorbing impact force (see Figs. 1 & 2 below), Wang et al. disclose a treadmill having a panel (70) that includes a buffering space between a top (71) and a bottom surface (73) (see Fig. 2) and Watterson et al. disclose a treadmill having frame components that are made by blow molding (see Col. 9, lines 10-27). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Wu, Wang and Watterson to make the PA's plastic step board and panel members via blow molding to have buffering spaces as substantially claimed to reduce the amount of raw material required and to decrease the overall weight of the structure to facilitate the transport and storage thereof.

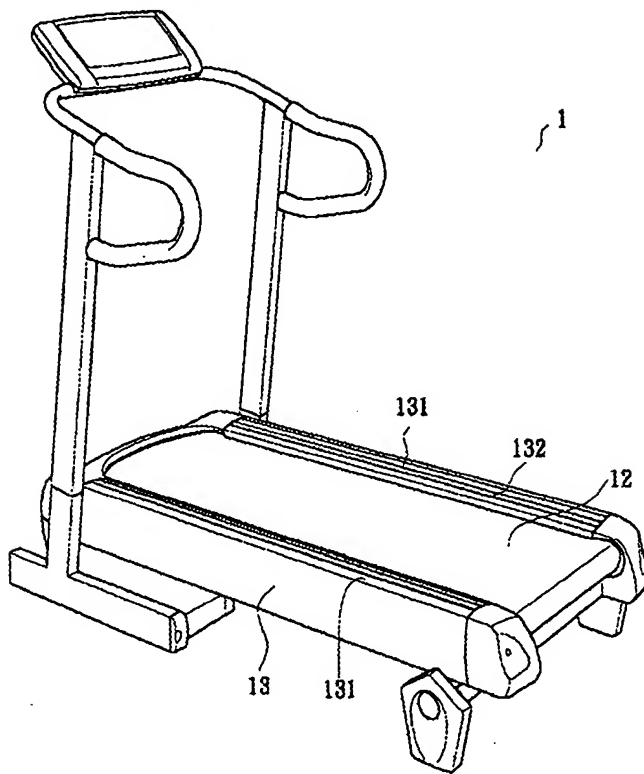


FIG. 1

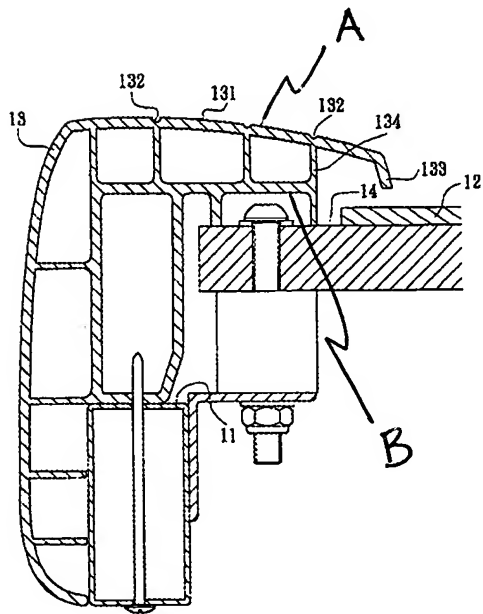


FIG. 2

Art Unit: 3764

2. As to claims 3, 4 and 6, PA, Wu, Wang et al. and Watterson et al. disclose a modified structure as described above. PA further discloses a step board having slip-proof channels, an insertion section and a side board as substantially claimed (see Fig. 9).

3. As to claim 5, PA, Wu, Wang et al. and Watterson et al. disclose a modified structure as described above (see discussion of claim 1). PA does not disclose that the step board plastic members are formed with reinforcing ribs. Wu discloses step board plastic members formed with reinforcing ribs (34) recessed toward the top board for supporting a top board of the step board (see Fig. 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide PA's step boards with ribs to provide necessary support while minimizing the raw material needed to fabricate the boards.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Socwell '632, Chen '510, Moore et al. '913, Buhler '892 and Finlayson '553 each disclose treadmills having frame components that include buffering spaces.

Dalebout '729 and Corbalis et al. '099 each disclose a treadmill having step boards with non-slip channels or surfaces.

Art Unit: 3764


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 6, 2005

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STEPHEN R. CROW  
PRIMARY EXAMINER  
ART UNIT 332